

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Madeleine Clayton 10/22/2001
Departmental Forms Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6086
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for the extension of approval of an information collection received on 08/24/2001.

TITLE: Monthly Cold Storage Report

AGENCY FORM NUMBER(S): 88-16

ACTION : APPROVED

OMB NO.: 0648-0015

EXPIRATION DATE: 10/31/2004

BURDEN	RESPONSES	BURDEN HOURS	BURDEN COSTS
Previous	1,320	176	0
New	1,236	165	0
Difference	-84	-11	0
Program Change		-11	0
Adjustment		0	0

TERMS OF CLEARANCE: None

NOTE: The agency is required to display the OMB control number and inform respondents of its legal significance (see 5 CFR 1320.5(b)).

OMB Authorizing Official Title

Donald R. Arbuckle Deputy Administrator, Office of
Information and Regulatory Affairs

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request	2. OMB control number b. <input type="checkbox"/> None a. _____ - _____
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated 5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No 6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) (<i>if applicable</i>)	
9. Keywords	
10. Abstract	
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator or head of MB staff for L.O.s, or of the Director of a Program or Staff Office)	
Signature	Date
Signature of NOAA Clearance Officer	
Signature	Date

**SUPPORTING STATEMENT
MONTHLY COLD STORAGE REPORT
OMB CONTROL NO. 0648-0015**

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

These data are collected under authority of Section 742(d) of the Fish and Wildlife Act of 1956 as amended (16 U.S.C. 742(A)-754). The form is used to collect information on a monthly basis on the quantity of fish and shellfish held in cold storage within the United States. Approximately 70 percent of all fishery products traded in the United States are in frozen form.

2. Explain how, by whom, how frequently, and for what purpose the information will be used.

The data are collected on a monthly basis by mailing a copy of the “Monthly Cold Storage Fish Report” form and a return envelop to participating cold storage warehouses in the United States. Data collected by this report provide the quantity of fishery products by species held in cold storage on the last day of each month.

The cold storage data has been collected and published for over 50 years and is a primary tool in industry’s purchase, sales, and price planning. Use of the data allows the fishing industry to level the demand and to avoid “boom” or “bust” cycles in fisheries. The data collection and publication must be continued to provide for an orderly flow of fishery products through marketing channels and prevent worldwide repercussions on trade markets that would negatively influence decisions on foreign trade of U. S. fishery products.

The data are also used by National Marine Fisheries Service (NMFS), Regional Fishery Management Council’s economists, the Department of Agriculture, and State and local governments for research on seasonal demand of fishery products, available supply, and changes in the supply over time.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

There are no electronic, mechanical, or technological techniques used in collecting this information. The diversity of the industry precludes, at the present time, the use of electronic reporting. We are requesting information that has no cost to the public other than time required to fill out the form and mailed in pre-addressed postage-paid envelops. Many warehouses are not capable of collecting or reporting data electronically.

4. Describe efforts to identify duplication.

The USDA collect monthly cold storage holdings for all beef, poultry, vegetable, and fruit products held in warehouses in the United States. The NMFS is the only agency, either public or private, that collects information on fishery products. Other processed fishery products (canned, cured, etc.) data in the United States are collected on an annual basis (OMB Form 0648-0018) by NMFS.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

There is no significant impact on small businesses or entities.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

The seafood industry, like any other user of commodities, demands timely and unbiased reporting of cold storage data. Providing data less frequently than monthly would prevent industry from making major business decisions. This data is needed to determine availability of products for the purchasing, processing, and sale of both wholesale and retail fishery products. Making data available 60 to 90 days after the fact would be disadvantageous for both the seafood industry and government. In addition, NMFS and other government agencies would be unable to effectively study the seasonal changes in demand and supply of fishery products.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

The information is collected monthly, thereby exceeding the quarterly frequency in the guidelines. The reasons for this are explained in #6 above.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

The PRA Federal Register notice that solicited public comments on the information collection is attached; no comments were received.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payments or gifts are provided.

10. Describe any assurance or confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

This survey provides a pledge of confidentiality to the respondents under the Magnuson-Stevens Act and the Trade Secrets Act. The data collection, processing and storage of this data conform with NOAA Administrative Order 216 -100.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No sensitive questions are asked.

12. Provide an estimate in hours of the burden of the collection of information.

The estimated burden is:

Estimated # of annual respondents	103
# Annual responses per respondent	12
Total annual responses	1,236
Estimate time per response	8 min.
Estimated total annual burden hours	165

The cost of this time is estimated at \$3,300 (at \$20 per hour).

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection.

None. The respondents are provided with pre-addressed postage-paid envelopes.

14. Provide estimates of annualized cost to the Federal government.

- (a) Estimated Cost of Printing: 350 copies at 4 cents per copy \$14.00 - 3 yr. avg. (\$4.67 per yr.)
- (b) Estimated Cost of Mailing: 34 cents each way - total 68 cents per copy
330 copies x 68 cents = \$224.40 - 3 yr. avg. (\$74.80 per yr.)
- (c) Estimated Staff Support: GS 7/1 salary (\$14.36 per hr) x 2 hrs =
\$28.72 mo. = \$1,033.77 - 3 yr. avg. (\$344.59 per yr.)

Cost to the Federal Government is: \$1,272 (\$424 avg per yr)

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

The burden hours have been reduced to a re-estimate of the current number of respondents.

16. For collections whose results will be published, outline the plans for tabulation and publication.

Monthly reports are published and mailed (including 300 copies to depository libraries), and placed on Fax-on-Demand. This report is also on the Web at <http://www.st.nmfs.gov/st1/marketnews>.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

N/A.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

FORM DEFINITIONS AND INSTRUCTIONS

THIS REPORT IS REQUESTED FROM ALL COLD STORAGE WAREHOUSES WHICH HANDLE FISHERY PRODUCTS AND IS AUTHORIZED BY LAW (16 USC 742(a)). THIS DATA ARE USED BY NMFS, REGIONAL COUNCIL ECONOMISTS, THE DEPARTMENT OF AGRICULTURE, STATE AND LOCAL GOVERNMENTS AND INDUSTRY FOR RESEARCH ON SEASONAL DEMAND OF FISHERY PRODUCTS, AVAILABLE SUPPLY, AND CHANGES IN SUPPLY OVER TIME. THESE DATA ARE ALSO USED IN MAKING FISHERY MANAGEMENT DECISIONS AFFECTING THE POLICIES AND REGULATIONS COVERING THE INDUSTRY AS WELL AS EFFECTS ON THE US FOREIGN TRADE OF FISHERY PRODUCTS. ALL INDIVIDUAL REPORTS RECEIVED BY THIS OFFICE ARE HELD IN STRICTEST CONFIDENCE PURSUANT TO THE TRADE SECRETS ACT (18 USC 1905). YOUR COOPERATION IS NEEDED TO MAKE THE RESULTS OF THE SURVEY COMPREHENSIVE, ACCURATE, TIMELY, AND TO ASSIST NMFS IN MEETING THE GOALS OF INDUSTRY. NOTWITHSTANDING ANY OTHER PROVISION OF THE LAW, NO PERSON IS REQUIRED TO RESPOND TO, NOR SHALL ANY PERSON BE SUBJECT TO A PENALTY FOR FAILURE TO COMPLY WITH, A COLLECTION OF INFORMATION SUBJECT TO THE REQUIREMENTS OF THE PAPERWORK REDUCTION ACT, UNLESS THAT COLLECTION OF INFORMATION DISPLAYS A CURRENTLY VALID OMB CONTROL NUMBER. THE CONTROL NUMBER FOR THIS FORM IS OMB: 0684-0015. PUBLIC REPORTING BURDEN FOR THIS COLLECTION IS ESTIMATED TO AVERAGE 8 MINUTES PER RESPONSE. SEND COMMENTS ON THIS ESTIMATE OR ANY ASPECT TO THIS COLLECTION TO THE ADDRESS PROVIDED ON THE OPPOSITE PAGE.

THE SELF-ADDRESSED STAMPED ENVELOPE. YOU MAY SUBMIT THE REPORT BY "FAX" OR A COMPUTER GENERATED REPORT, IF IT IS MORE EXPEDIENT.

THE APPROPRIATE "FAX" NUMBER IS SHOWN ON THE BOTTOM OF PAGE 1.

COLD STORAGE WAREHOUSE:

A WAREHOUSE ARTIFICIALLY COOLED TO A TEMPERATURE OF 50 DEGREES FAHRENHEIT OR LOWER, AND WHOLE FOOD PRODUCTS ARE NORMALLY STORED FOR 30 DAYS OR MORE. ALSO INCLUDES SPECIALIZED STORAGE FACILITIES MEETING THE 30 DAY REQUIREMENT, SUCH A FISH HOUSES, MANUFACTURING, PROCESSING, AND PACKING PLANTS. DO NOT INCLUDE WHOLESALERS, DISTRIBUTORS, CHAIN STORES, ETC., WHOSE ENTIRE INVENTORIES ARE TURNED OVER MORE THAN ONCE A MONTH.

STOCKS ON HAND AT END OF MONTH:

ENTER THE QUANTITIES REGARDLESS OF OWNERSHIP, "RECEIVED ALREADY FROZEN" AND/OR QUANTITIES FROZEN IN YOUR PLANT DURING THE MONTH THAT ARE STILL ON HAND AT THE CLOSE OF BUSINESS ON THE LAST DAY OF THE MONTH.

FISH BLOCKS:

A "FISH BLOCK" (OR SLAB) IS A FROZEN BLOCK OF FILLETS, PIECES OF FILLETS, OR MINCED; CUT OR SLICED FROM FISH. "FISH-BLOCKS" ARE USED FOR CUTTING INTO FISH PORTIONS OR FISH STICKS. PACKAGES CONTAINING SHATTER OR LAYER PACK OF FILLETS ARE NOT CONSIDERED "FISH BLOCKS."

CURED FISH:

FISHERY PRODUCTS THAT HAVE BEEN PRESERVED FIRST BY DRYING (SUN OR AIR-DRYING), PICKLING (IMMERSED IN BRINE, VINEGAR OR OTHER PRESERVATIVES), SALTED, OR SMOKED.

I.Q.F. DEFINITION:

I.Q.F. STANDS FOR "INDIVIDUALLY QUICK FROZEN" PRODUCTS AND ARE NOT CONSIDERED "FISH BLOCKS"

SPECIES DEFINITIONS:

ANALOG PRODUCTS (3INCLUDES IMITATION AND SIMULATED CRAB, LOBSTER, SHRIMP, SCALLOPS AND OTHER FISH AND SHELLFISH PRODUCTS FABRICATED FROM MINCED FISH FLESH (SUCH AS SURIMI).

COD (212.05) -- INCLUDES PACIFIC COD (TRUE COD) AND EAST COAST COD. DO NOT INCLUDE ROCKFISHES (ROCK COD).

SNAPPER, RED (214.70) -- INCLUDES ONLY RED SNAPPER CAUGHT IN DEEP WATERS OF THE GULF OF MEXICO. DO NOT INCLUDE ANY OTHER "SNAPPERS" OR ROCKFISH IN THIS CATEGORY.

SURIMI (350-01 / 99) -- MINCED FISH MEAT (USUALLY ALASKA POLLOCK) WHICH HAS BEEN WASHED TO REMOVE FAT AND UNDESIRABLE MATTERS (SUCH AS BLOOD, PIGMENTS, AND ODOROUS SUBSTANCES), AND MIXED WITH CRYOPROTECTANTS, SUCH AS SUGAR AND/OR SORBITOL, FOR A GOOD FROZEN SHELF LIFE. CATEGORY 350-01 SHOULD INCLUDE ONLY ATLANTIC AND PACIFIC POLLOCK. CATEGORY 350-99 SHOULD INCLUDE ALL OTHER SPECIES.

CRAB MEAT VS IN THE SHELL DATA (430-05 / 99) -- IN THE SHELL CRAB PRODUCTS (430-15/25) INCLUDE ALL CRAB PRODUCTS WHICH RETAINS ALL OR PART OF THE SHELL.

COMMENTS:

SEC. 303. CONTENTS OF FISHERY MANAGEMENT PLANS 16 U.S.C. 1853

95-354, 99-659, 101-627, 104-297

(a) REQUIRED PROVISIONS.--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, shall--

(1) contain the conservation and management measures, applicable to foreign fishing and fishing by vessels of the United States, which are--

(A) necessary and appropriate for the conservation and management of the fishery to prevent overfishing and rebuild overfished stocks, and to protect, restore, and promote the long-term health and stability of the fishery;

(B) described in this subsection or subsection (b), or both; and

(C) consistent with the national standards, the other provisions of this Act, regulations implementing recommendations by international organizations in which the United States participates (including but not limited to closed areas, quotas, and size limits), and any other applicable law;

(2) contain a description of the fishery, including, but not limited to, the number of vessels involved, the type and quantity of fishing gear used, the species of fish involved and their location, the cost likely to be incurred in management, actual and potential revenues from the fishery, any recreational interest in the fishery, and the nature and extent of foreign fishing and Indian treaty fishing rights, if any;

(3) assess and specify the present and probable future condition of, and the maximum sustainable yield and optimum yield from, the fishery, and include a summary of the information utilized in making such specification;

(4) assess and specify--

(A) the capacity and the extent to which fishing vessels of the United States, on an annual basis, will harvest the optimum yield specified under paragraph (3),

(B) the portion of such optimum yield which, on an annual basis, will not be harvested by fishing vessels of the United States and can be made available for foreign fishing, and

(C) the capacity and extent to which United States fish processors, on an annual basis, will process that portion of such optimum yield that will be harvested by fishing vessels of the United States;

(5) specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, and charter fishing in the fishery, including, but not limited to,

information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in which fishing was engaged in, time of fishing, number of hauls, and the estimated processing capacity of, and the actual processing capacity utilized by, United States fish processors;

(6) consider and provide for temporary adjustments, after consultation with the Coast Guard and persons utilizing the fishery, regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or other ocean conditions affecting the safe conduct of the fishery; except that the adjustment shall not adversely affect conservation efforts in other fisheries or discriminate among participants in the affected fishery;

(7) describe and identify essential fish habitat for the fishery based on the guidelines established by the Secretary under section 305(b)(1)(A), minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat;

(8) in the case of a fishery management plan that, after January 1, 1991, is submitted to the Secretary for review under section 304(a) (including any plan for which an amendment is submitted to the Secretary for such review) or is prepared by the Secretary, assess and specify the nature and extent of scientific data which is needed for effective implementation of the plan;

(9) include a fishery impact statement for the plan or amendment (in the case of a plan or amendment thereto submitted to or prepared by the Secretary after October 1, 1990) which shall assess, specify, and describe the likely effects, if any, of the conservation and management measures on--

(A) participants in the fisheries and fishing communities affected by the plan or amendment; and

(B) participants in the fisheries conducted in adjacent areas under the authority of another Council, after consultation with such Council and representatives of those participants;

(10) specify objective and measurable criteria for identifying when the fishery to which the plan applies is overfished (with an analysis of how the criteria were determined and the relationship of the criteria to the reproductive potential of stocks of fish in that fishery) and, in the case of a fishery which the Council or the Secretary has determined is approaching an overfished condition or is overfished, contain conservation and management measures to prevent overfishing or end overfishing and rebuild the fishery;

(11) establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and include conservation and management measures that, to the extent practicable and in the following priority--

(A) minimize bycatch; and

(B) minimize the mortality of bycatch which cannot be avoided;

(12) assess the type and amount of fish caught and released alive during recreational fishing under catch and release fishery management programs and the mortality of such fish, and include conservation and management measures that, to the extent practicable, minimize mortality and ensure the extended survival of such fish;

(13) include a description of the commercial, recreational, and charter fishing sectors which participate in the fishery and, to the extent practicable, quantify trends in landings of the managed fishery resource by the commercial, recreational, and charter fishing sectors; and

(14) to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery.

97-453, 99-659, 101-627, 102-251, 104-297

(b) DISCRETIONARY PROVISIONS.--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, may--

(1) require a permit to be obtained from, and fees to be paid to, the Secretary, with respect to--

(A) any fishing vessel of the United States fishing, or wishing to fish, in the exclusive economic zone [or special areas,]* or for anadromous species or Continental Shelf fishery resources beyond such zone [or areas]*;

(B) the operator of any such vessel; or

(C) any United States fish processor who first receives fish that are subject to the plan;

(2) designate zones where, and periods when, fishing shall be limited, or shall not be permitted, or shall be permitted only by specified types of fishing vessels or with specified types and quantities of fishing gear;

(3) establish specified limitations which are necessary and appropriate for the conservation and management of the fishery on the--

(A) catch of fish (based on area, species, size, number, weight, sex, bycatch, total biomass, or other factors);

(B) sale of fish caught during commercial, recreational, or charter fishing, consistent with any applicable Federal and State safety and quality requirements; and

(C) transshipment or transportation of fish or fish products under permits issued pursuant to section 204;

(4) prohibit, limit, condition, or require the use of specified types and quantities of fishing gear, fishing vessels, or equipment for such vessels, including devices which may be required to facilitate enforcement of the provisions of this Act;

(5) incorporate (consistent with the national standards, the other provisions of this Act, and any other applicable law) the relevant fishery conservation and management measures of the coastal States nearest to the fishery;

(6) establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account--

(A) present participation in the fishery,

(B) historical fishing practices in, and dependence on, the fishery,

(C) the economics of the fishery,

(D) the capability of fishing vessels used in the fishery to engage in other fisheries,

(E) the cultural and social framework relevant to the fishery and any affected fishing communities, and

(F) any other relevant considerations;

(7) require fish processors who first receive fish that are subject to the plan to submit data (other than economic data) which are necessary for the conservation and management of the fishery;

(8) require that one or more observers be carried on board a vessel of the United States engaged in fishing for species that are subject to the plan, for the purpose of collecting data necessary for the conservation and management of the fishery; except that such a vessel shall not be required to carry an observer on board if the facilities of the vessel for the quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized;

(9) assess and specify the effect which the conservation and management measures of the plan will have on the stocks of naturally spawning anadromous fish in the region;

(10) include, consistent with the other provisions of this Act, conservation and management measures that provide harvest incentives for participants within each gear group to employ fishing practices that result in lower levels of bycatch or in lower levels of the mortality of bycatch;

(11) reserve a portion of the allowable biological catch of the fishery for use in scientific research; and

(12) prescribe such other measures, requirements, or conditions and restrictions as are determined to be necessary and appropriate for the conservation and management of the fishery.

97-453, 104-297

Sec. 742d. Investigations; preparation and dissemination of information; reports

- (a) [\[1\]](#) The Secretary shall conduct continuing investigations, prepare and disseminate information, and make periodical reports to the public, to the President, and to Congress, with respect to the following matters:
 - [\[1\]](#) So in original. No subsec. (b) has been enacted.
 - (1) The production and flow to market of fish and fishery products domestically produced, and also those produced by foreign producers which affect the domestic fisheries;
 - (2) The availability and abundance and the biological requirements of the fish and wildlife resources;
 - (3) The competitive economic position of the various fish and fishery products with respect to each other, and with respect to competitive domestic and foreign-produced commodities;
 - (4) The collection and dissemination of statistics on commercial and sport fishing;
 - (5) The collection and dissemination of statistics on the nature and availability of wildlife, progress in acquisition of additional refuges and measures being taken to foster a coordinated program to encourage and develop wildlife values;
 - (6) The improvement of production and marketing practices in regard to commercial species and the conduct of educational and extension services relative to commercial and sport fishing, and wildlife matters;
 - (7) Any other matters which in the judgment of the Secretary are of public interest in connection with any phases of fish and wildlife operations.

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****[I.D. 051001C]****Monthly Cold Storage Report****AGENCY:** National Oceanic and Atmospheric Administration (NOAA).**ACTION:** Proposed information collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before July 16, 2001.**ADDRESSES:** Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue NW., Washington DC 20230 (or via Internet at MClayton@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Barbara K. O'Bannon, U.S. Department of Commerce, NOAA, National Marine Fisheries Service, Fisheries Statistics and Economics Division, F/ST1, Room 12326, 1315 East-West Highway, Silver Spring, MD 20910 (phone 301-713-2328, ext. 206).

SUPPLEMENTARY INFORMATION:**I. Abstract**

NOAA collects monthly data on the quantity of fish and shellfish being held in cold storage in the United States. Data are collected under authority of Section 742(d) of the Fish and Wildlife Act of 1956 as amended (16 U.S.C. 742(A) and provisions of Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) as amended. Responses are voluntary. Monthly reports are published and are used by the fishing industry to plan purchases, processing, sales, distribution, and prices for both wholesale and retail of fishery products. monthly. Both monthly and annual documents are available on the Internet at <http://www.st.nmfs.gov/st1/>.

II. Method of Collection

Paper forms are mailed to respondents.

III. Data*OMB Number:* 0648-0015.*Form Number:* NOAA Form 88-16.*Type of Review:* Regular submission.*Affected Public:* Business or other for-profit organizations.*Estimated Number of Respondents:* 103.*Estimated Time Per Response:* 8 minutes.*Estimated Total Annual Burden Hours:* 165.*Estimated Total Annual Cost to Public:* \$0.**IV. Request for Comments**

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: May 10, 2001.

Madeleine Clayton,*Departmental Paperwork Clearance Officer, Office of the Chief Information Officer.*

[FR Doc. 01-12361 Filed 5-16-01; 8:45 am]

BILLING CODE 3510-22-S**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****[I.D. 051001D]****Weather Modification Activities Reports****AGENCY:** National Oceanic and Atmospheric Administration (NOAA).**ACTION:** Proposed information collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information

collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before July 16, 2001.**ADDRESSES:** Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue NW., Washington DC 20230 (or via Internet at MClayton@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Karen King, R/WA, Room 11216, 1315 East-West Highway, Silver Spring MD 20910-3282 (phone 301-713-0460, ext. 202).

SUPPLEMENTARY INFORMATION:**I. Abstract**

Section 6(b) of Pub. L. 92-205 requires that persons who engage in weather modification activities (e.g. cloud-seeding) provide reports prior to and after the activity. They are also required to maintain certain records. The requirements are detailed in 15 CFR 908. NOAA uses the data for scientific research, historical statistics, international reports, and other purposes.

II. Method of Collection

Paper forms and recordkeeping are used.

III. Data*OMB Number:* 0648-0025*Form Number:* NOAA Forms 17-4 and 17-4A.*Type of Review:* Regular submission.*Affected Public:* Business or other for-profit organizations.*Estimated Number of Respondents:* 40*Estimated Time Per Response:* 30 minutes per report, 5 hours per year for recordkeeping.*Estimated Total Annual Burden**Hours:* 240*Estimated Total Annual Cost to Public:* \$160.**IV. Request for Comments**

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the